

PATENT COOPERATION TREATY

PCT

Rec'd PCT/PTO 08 MAR 2005

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/527146

REC'D. 01 APR 2005

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Applicant's or agent's file reference CA020070	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04238	International filing date (day/month/year) 01.10.2003	Priority date (day/month/year) 04.10.2002
International Patent Classification (IPC) or both national classification and IPC G06F17/30		
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 9 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|--|
| I | <input checked="" type="checkbox"/> | Basis of the opinion |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input checked="" type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input checked="" type="checkbox"/> | Certain observations on the international application |

Date of submission of the demand 24.10.2003	Date of completion of this report 17.01.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Herry, T Telephone No. +49 89 2399-7406 

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-39 as originally filed

Claims, Numbers

7 (part), 8-19 as originally filed

1-6, 7 (part) received on 26.08.2004 with letter of 24.08.2004

Drawings, Sheets

1/21-21/21 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-19
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

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see separate sheet

Item IV

The objection put forward by the International Search Authority as to **lack of unity** (Rule 13 PCT) is maintained by the Examining Authority, the reasons for the objection being the same as stated in the International Search Report, as well as the identified groups of inventions.

Group I: claims 1-5, 13, 18, 19: directed to the grouping of portlets based on context names;

Group II: claims 6-12, 14-17: defining the refreshing of portlets based on priority descriptions.

Reasons: lack of unity of invention evident "a priori".

Considering that the independent claims of the above 2 groups deal with different subject matter and different problems(see above group definitions), and that their only common feature - the provision of associated portlets in a portal server - represents a well known, common feature in the field of portal architectures, there remains no common matter, linking the independent claims, which could be considered in relation to any prior art for establishing whether it could be novel and inventive.

Despite the non-unity objection, the entire set of claims have been considered for the International Examination.

Item VIII

Within each one of the above groups of claims (see Item IV), a plurality of independent claims have been filed which is not in accordance with Art. 6 PCT with respect to clarity and **conciseness** since:

(i) the number of independent claims is not justified by the nature of the invention (see also Rule 6.1a PCT);

(ii) lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, the set of claims does not meet the requirements of Article 6 PCT.

(iii) undue repetition of wording should have been avoided by the use of the dependent form of claims (see PCT Guidelines, C-III, 5).

Item V

Reference is made to the following documents:

- D1: HESMER S., FISCHER P., BUCKNER T.: "Portlet Development Guide. Introduction to the Portlet API" INTERNET CITATION, [Online] 30 January 2002, p.1-59, XP002267926; [retr. on 2004-01-23] from: <http://www.ibm.com/software/webservers/portal/library/PortletDevelopmentGuide.pdf>>;
- D2: HESMER S., FISCHER P., BUCKNER T., SCHUSTER I.: "Portlet development guide. Working with the portlet API 1.1" INTERNET CITATION, [Online] 2 April 2002, pages 1-83, XP002267927, [retr. on 2004-01-23] from http://e.bis.business.utah.edu/resources/wps_project.htm>;
- D3: US-B-6 327 6281 (CHASTON MILES ET AL) 4 December 2001;
- D4: DAVID B. LECTION, VARAD RAMAMOORTHY: "WebSphere Portal programming: Portlet application programming, Part 2. Give and take -- portlet messaging techniques" 1 March 2002, XP002275896, from <http://www-106.ibm.com/perworks/ibm/library/l-portal2/>> [retr. on 2004-03-30];
- D5: WO 02/067082 A (YODLEE COM INC) 29 August 2002;
- D6: WO 01/53996 A (INKTOMI CORP) 26 July 2001.

1. The subject-matter of **Independent claim 1** does not meet the requirements of Art.33(3) PCT for the following reasons:
 - 1.1. the document **D1** deals with portal environments, with the development of portlets, the portlet API, and discloses the following features of claim 1:
 - (i) for 'portal server' and 'associated portlets' - refer e.g. to p.5;
 - (ii) for 'associating each portlet with a portlet descriptor...' - refer e.g. to section 2.4 on p.7-9: "...the portlet deployment descriptor ... provides configuration information ... specific to a particular portlet or portlet application..";
 - (iii) for 'forming collaboration groups of portlets having corresponding context names' - refer e.g. to section 2.1. on p.6: "... portlet applications ... form a logical group of portlets ... portlets of the same portlet application can also exchange messages". See also section 3.6 on page 16, as well as section 5.1.3.
 - 1.2. All these features are also disclosed in each one of documents **D2, D3 and D4**.

See in D2 e.g. sections 2.2, 2.4, 3.5.1, 5.1, page 55; in D3 - section 3.3.1 on col.6, col.7, l.45 - col.9, l.7; and in D4 - e.g. pages 1 and 2, as well as the method definition on page 4.

1.3. Therefore, claim 1 differs from D1 (and also from each one of D2, D3 or D4) at most in that claim 1 explicitly defines the collaboration group as "being a subgroup of the group of portlets in a portlet application". This feature (iv) however can not be seen as providing for any non-inventive contribution to the prior art, or non-obvious solution to any technical problem as required by Art.33 (3) PCT for the following reasons:

1.4. The skilled person, being confronted with the problem of how to build a collaboration subgroup of the group of portlets within a portlet application, would consider using the PortletContext, i.e. corresponding context parameters, e.g. 'context names', without the need or exercise of any inventive skill. Indications for using context parameters for grouping of portlets can be found e.g. in **D1** - p.19, l.13-16: "... if a group of portlets share a context parameter..."; or in **D2** - section 3.5.1. on pages 30-31. Moreover, both of these documents teach in fact the collaboration between portlets (like sending of message events, e.g., as disclosed in **D1** section 5.1. on p.37 and section 5.1.3., as well as in **D2** on p.46, section 5.1.3) with the (single) condition for the collaborating portlets, that they "are members of the same portlet application and are placed on the same page", which can also be understood as "a subgroup of the group of portlets" of claim 1. The same reasoning is applicable when using **D4** disclosing e.g. on page 4 the same kind of collaboration subgroup: "you can specify "null", so that the message will be sent to all the portlets on that page".

Therefore this feature (iv) is considered to be derivable from each one of the above documents D1, D2, D4 in combination with the general knowledge of the skilled person and can not provide for any non-obvious technical contribution to the art.

2. **Independent claims 13, 18 and 19** are based on claim 1 and do not meet the requirements of Art. 33(3) PCT for the same reasons as stated in the above points of this opinion. With respect to the "messaging means..", "means.. for

broadcasting.. changes.." and "means .. for changing *context values*", defined additionally in claim 13, refer in **D1** additionally to section 2.1 on p.6, where the 'BookmarkPortlet' stands for the master portlet of claim 13 whose changed *context value* is sent to the slave portlet 'BookmarkBrowserPortlet', as well as to p.37 and section 5.1.3.

3. **Independent claims 6, 12, 14 and 15** as they can be understood (refer to item VIII, point (ii)) all relate to the refreshing of portlets according to a priority description, wherein the refreshing is accomplished via 'portlet-to-portlet collaboration using portlet messaging'. This kind of collaboration is already known in the art at the priority date of the application and disclosed e.g. in **D4** dealing also with 'portlet-to-portlet collaboration using portlet messaging' (see e.g. p.1), which further teaches that "dynamic and reactive portlets provide users with a fresh experience.." (see p.1). On pages 3 and 4, e.g., **D4** discloses the map portlet as a Message sender (corresponding to the master of the claims), as well as target receiver (the slaves of the claims) which could be a single portlet or all of the portlets of the page as indicated by "null" in the figure of page 4.

These claims therefore differ from **D4** only in that they define that this collaboration/refreshing of the slaves can be performed in a "prioritized manner" using the portlet descriptors.

The document **D5** (see p.47, l.10-15) also deals with refreshing possibilities (see e.g. p.55, l.24-30) in a portal environment (see e.g. fig.1) and would certainly be considered by the skilled person when seeking to establish an order of refreshing. This document clearly teaches on p.47, l.10-15 that "various sub-modules... may share overlapping data and *cooperate with each other in prioritized or other fashions...*". The 'prioritized fashion' feature of the claims could also be derived from the disclosure of **D6** - see in particular p.24 and p.23,11, and 12.

Therefore, these claims are considered obvious over the combination of **D4** with **D5**, as well as over the combination of **D4** with **D6**.

4. It seems that **the dependent claims** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, the reasons being as follows: these features are either known to a person skilled in the art and already anticipated by the documents cited in the search report, or represent only a normal design

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procedure for a person skilled in the art. Refer to the passages indicated in the above points, as well as to corresponding ones of the International search report.

Final remarks

1. The applicant should have filed new claims in terms of a **single independent claim per category**, which take account of the above comments, which are drafted in the two-part form (Rule 6.3(b) PCT) and provided with reference signs (Rule 6.2(b) PCT); the independent claims from the different categories comprising the same or corresponding "special technical features" (Rule 13 PCT).
2. The documents D1, D4, D5 should have been identified in the description and briefly discussed (Rule 5.1.a)ii) PCT) such that it is clear which are the differences of the independent claims to each one of documents D1 to D6 and the resulting advantages.